

May 14, 2021

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Seventh Amended Civil Case Management Plan and Scheduling Order entered in this action (ECF No. 1454), Plaintiffs and Credit Suisse Securities (USA) LLC, Credit Suisse Group AG, and Credit Suisse AG (“Credit Suisse”) submit this joint status letter.

I. Motions

On April 30, 2021, pursuant to the Court’s November 12, 2020 Order (ECF No. 1544), the parties filed their cross-motions for summary judgment. That same day, both parties filed separate letter motions to seal portions of the parties’ papers, with Plaintiffs requesting more narrow redactions than Credit Suisse. ECF Nos. 1572, 1578. On May 3, 2021, the Court issued an Order directing Defendants to file any opposition to Plaintiffs’ proposed redactions by May 13, 2021. ECF No. 1589. The parties have since reached an agreement on the scope of redactions, and on May 13, 2021, the parties filed a joint letter requesting that the Court deny the prior sealing motions as moot and grant permission for the parties to file a joint motion to seal portions of the summary judgment record by May 18, 2021. ECF No. 1590.

II. Discovery

A. Depositions

Depositions of fact witnesses have concluded. In total, Credit Suisse took 27 depositions of the Plaintiffs and/or their investment advisors. Plaintiffs took 55 fact depositions and eight Rule 30(b)(6) depositions of Defendants, including Credit Suisse. Of the 55 fact depositions taken by Plaintiffs, 26 witnesses invoked the Fifth Amendment protection against self-incrimination.

B. Remaining Deadlines

There are no other remaining discovery deadlines.

III. Litigation Class Notice

In accordance with the Court’s Order Approving the Form and Manner of Notice of the Certified Litigation Class (ECF No. 1546), Plaintiffs disseminated notice to potential Class Members that have been identified in the records maintained by the Claims Administrator. The general request-for-exclusion deadline of February 17, 2021 has passed. For a small subset of

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Class Members which were mailed notices directly by UBS after January 26, 2021, the request-for-exclusion deadline of April 27, 2021 has also passed. ECF No. 1557. Due to delays in the mail system, the Claims Administrator continues to receive both valid and untimely requests for exclusion. Once the Claims Administrator stops receiving requests for exclusion, Class Counsel will file the requests for exclusion with the Court.

IV. Next Joint Status Letter

The parties will submit their next joint status letter on Friday, July 9, 2021.

Respectfully submitted,

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